

Docket No. PRD-2033

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Richard L. Apodaca et al.

Serial No.

10/690,115

Art Unit:

Filed

October 21, 2003

Examiner:

For

**PIPERAZINYL** AND DIAZAPANYL

**BENZAMIDES** 

**AND** 

**BENZTHIOAMIDES** 

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Arlington, VA 22202 on

August 26, 2005 (Date of Deposit) John W. Harbour (Name of applicant, assignee, or Registered Representative) /John W. Harbour/ (Signature) August 26, 2005 (Date of Signature)

Commissioner for Patents Arlington, VA 22202

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on 4/30/2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

The PTO did not receive the following listed Items(5)

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is
being filed either within three months of the filing date of the above-identified national
application (other than a continued prosecution application under \$1.53(d)), within three
months of the date of entry into the national stage of the above identified application as set
forth in §1.491, or before the mailing date of a first Office Action on the merits of the
above-identified application, or before the mailing date of a first Office Action after the
filing of a request for continued examination under \$1.114, no additional fee is required.
In accordance with §1.129(a), this Information Disclosure Statement is
being filed in connection with _ the first or _ second After Final Submission, therefore:
☐ Statement in Accordance with §1.97(e) (attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of $$180.00$ as set forth in \$1.17(p).
In accordance with §1.97(c), this Information Disclosure Statement is being
filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final
Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise
closes prosecution and that it is accompanied by one of:
Statement in Accordance with §1.97(e) (attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth in \$1.17(p).
In accordance with §1.97(d), this Information Disclosure Statement is being
filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance
under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for

consideration of this Information Disclosure Statement. Included are: Statement in					
Accordance with $$1.97(e)$ as set forth below and the fee of $$180.00$ as set forth in $$1.17(p)$ .					
$\boxtimes$	Copies of each of the references listed on the attached Form PTO-1449 are				
enclosed herew	vith.				
	Copies of references listed on the attached Form PTO-1449 are enclosed				
herewith EXCI	EPT THAT:				
	In view of the voluminous nature of references [list as				
	appropriate], and the likelihood that these references are available to				
	the Examiner, copies are not enclosed herewith.				
	If any of the foregoing publications are not available				
	to the Examiner, Applicant will endeavor to supply copies at the				
	Examiner's request.				
	Copies of only foreign patent documents and non-patent literature are				
enclosed in acc	ordance with 37 CFR 1.98 (a)(2).				
	There are no listed references which are not in the English language.				
The relevance of those listed references which are not in the English					
language is as f	follows:				
	Attached are copies of search report(s) from corresponding patent				
application(s), v	which are listed on the attached Submission Under MPEP 609 D.				
	Copies of the references listed on the search report(s) are included except for				
those previously cited in an IDS mailed .					
	Attached are the following non-published pending patent applications which				
may be deemed	relevant, which are listed on the attached Submission Under MPEP 609 D.				

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/PRD2033/JWH. This form is submitted in triplicate.

Respectfully submitted,

/John W. Harbour/
John W. Harbour
Reg. No. 31,365
Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2169 DATED: August 26, 2005

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

> (use as many sheets as necessary) Sheet 1 of 1

a collection of information unless it displays a valid OMB control number.				
Application Number	10/690,115			
Filing Date	10/21/03			
First Named Inventor	R. L. APODACA			
Group Art Unit				
Examiner Name				
Attorney Docket Number	PRD-2033			

	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner's	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published  Applicants' letter dated August 26, 2006 citing 3D-Pharmaceutials Ex #43	T²			
TI INICIO	110.	Applicants' letter dated August 26, 2006 citing 3D-Pharmaceutials Ex #43	-			
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Examiner		Date	
Signature	<u> </u>	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

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22313-1450.

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Applicants : Richard L. Apodaca et al.

Serial No. : 10/690,115 Art Unit:

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: PIPERAZINYL AND DIAZAPANYL BENZAMIDES AND

**BENZTHIOAMIDES** 

Commissioner for Patents Arlington, VA 22202

## **LETTER**

Dear Sir:

The compound pictured in Example #43 was purchased on a non confidential basis from Asinex, www.asinex.com, a vendor of compound libraries, under stock number BAS 2961222, sometime before June 27, 2001 by 3-Dimenisional Pharmaceuticals. 3-Dimenisional Pharmaceuticals was acquired by Applicant's employer in March 2003. The Examiner should consider these facts in the examination of the pending claims.

Respectfully submitted,

\_/John W. Harbour John W. Harbour Reg. No. 31,365 Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2169 DATED: August 26, 2005